

ORIGINAL

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California, ex rel. Maureen F. Gorsen, Director,  
Department of Toxic Substances Control

**FILED**  
**SAN MATEO COUNTY**

DEC 24 2007

Clerk of the Superior Court  
By [Signature]  
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN MATEO

**PEOPLE OF THE STATE OF CALIFORNIA, ex  
rel. Maureen F. Gorsen, Director, Department of  
Toxic Substances Control,**

Plaintiff,

v.

**PRECISION WORKS, INC. and DOES 1 through  
100,**

Defendant.

CASE NO. 461975

FINAL JUDGMENT  
PURSUANT TO STIPULATION  
FOR ENTRY OF JUDGMENT

DATE/TIME OF  
HEARING: 12-19-07 AT  
9:00 A.M.  
DEPT. : LM/28

The Court hereby enters judgment in favor of plaintiff Department of Toxic Substances  
Control ("Department") and against defendant Precision Works, Inc. ("PWT") according to the  
terms set forth in the Stipulation for Entry of Judgment attached hereto as Exhibit A.

On entry, this judgment will become final and execution may be levied on it immediately.

Dated: DEC 21 2007

[Signature]

Judge of the Superior Court, San Mateo County

# **EXHIBIT A**

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California, ex rel. Maureen F. Gorsen, Director,  
9 Department of Toxic Substances Control

10  
11 SUPERIOR COURT OF CALIFORNIA  
12 COUNTY OF SAN MATEO  
13  
14

15 **PEOPLE OF THE STATE OF CALIFORNIA, ex**  
16 **rel. Maureen F. Gorsen, Director, Department of**  
**Toxic Substances Control,**

17 Plaintiff,

18 v.

19 **PRECISION WORKS, INC. and DOES 1 through**  
20 **100,**

21 Defendant.

CASE NO. 461975

STIPULATION FOR ENTRY OF  
JUDGMENT

22 1. Introduction

23 On April 3, 2007, plaintiff the People of the State of California, ex rel. Maureen F. Gorsen,  
24 Director, Department of Toxic Substances Control (hereinafter collectively "Department") filed a  
25 Complaint in San Mateo County Superior Court against Precision Works, Inc. ("PWI"). The  
26 Department and PWI now settle that action on the terms set forth in this Stipulation for Entry of  
27 Judgment ("Judgment"), and stipulate that the Court may enter judgment in favor of DTSC and  
28 against PWI in accordance with the terms set forth herein.

1       2.   Complaint

2       2.1   The Complaint alleges that PWI violated provisions of the Hazardous Waste Control  
3 Law, Cal. Health & Safety Code sections 25100 et seq. ("HWCL") and the implementing  
4 regulations contained at Title 22 California Code of Regulations ("22 CCR") sections 66110 et  
5 seq. with respect to the facility located at 111 Willow St., Redwood City, California, 94063  
6 (Site). The Department alleges the following violations:

7       a.   Transportation of Hazardous Wastes Without a Valid Registration Issued by  
8       the Department - Health & Safe. Code § 25163, subdivision (a)(1).

- 9       -   From August 1, 2002 through March 4, 2003, PWI transported hazardous wastes  
10       without a current and valid transporter registration issued by the Department.  
11       -   From August 1, 2002 through January 19, 2003 PWI transported hazardous waste  
12       without the insurance required for a transporter registration.

13       b.   Transportation of Hazardous Waste without a Valid EPA Identification  
14       Number; Falsifying of EPA Identification Number - Health & Saf. Code §  
15       25189, subd.(a).

- 16       -   On not less than fifteen different manifests during the years 2001, 2002, and 2003,  
17       PWI transported hazardous waste using an EPA identification number (CAD  
18       002346223) that had not been issued to the hazardous waste generators serviced  
19       by PWI.

20       c.   Illegal Storage of Hazardous Waste - Health & Saf. Code § 25201,  
21       subdivision (a) and Cal.Code Regs. tit. 22, § 66263.18.

- 22       -   For periods of time prior to March 11, 2003, PWI stored hazardous waste without  
23       authorization from the Department. PWI stored hazardous waste in excess of 10  
24       days and therefore did not qualify for the transfer station exemption. The 10-day  
25       holding time was exceeded for the following hazardous manifests: 20936587,  
26       20938992, 21631696, 21631730, 21631809, 21632022, 21632025, 21632029,  
27       21632030, 21632032, 21632036, 21632042, 21632043, 21632044, 21632045,  
28       21632272.

1 d. Changing Facility Location Without Notifying the Department - Cal.Code  
2 Regs. tit 22, § 66263.15, subd. (a)(1).

3 - Prior to March 11, 2003 PWI changed its business location from 421 Burlington  
4 Ave., Redwood City, California to 111 Willow Street, Redwood City, California,  
5 without notification to the Department.

6 e. Receiving Hazardous Waste without a Manifest; Falsifying a Hazardous  
7 Waste Manifest - Health & Saf. Code § 25189.2, subd. (a) and Cal.Code  
8 Regs., tit. 22, § 66263.20, subds. (a), (b), and (d).

9 - Prior to March 11, 2003, PWI received and transported one container of  
10 hazardous waste solid lead from Palo Alto Unified School District (generator) to  
11 PWI's facility without a hazardous waste manifest. On March 18, 2003, PWI  
12 generated a hazardous waste manifest number 22066074 for this container  
13 representing falsely thereon that said container had been received from the  
14 generator on March 18, 2003. Respondent then submitted said manifest to the  
15 Department as true and correct.

16 f. Illegal Storage of Hazardous Waste - Health & Saf. Code § 25201(a).

17 - From a date prior to March 11, 2003 to March 28, 2003, PWI illegally stored one  
18 container of hazardous waste solid lead generated by Palo Alto Unified School  
19 District. PWI is not an authorized storage facility.

20 g. Failing to Complete Verification Questionnaires - Health & Saf. Code §  
21 25205.16, subd.(b).

22 - PWI failed to complete and submit Verification Questionnaires for the years 2002  
23 and 2003.

24 3. Admissions:

25 3.1 PWI does not admit the violations alleged above, except as follows: PWI admits the  
26 facts alleged above, except for the failure to have required insurance set out in 2.1 a. above, for  
27 the sole purpose of any subsequent action brought by the Department pursuant to the Hazardous  
28 Waste Control Law, Health and Safety Code section 25100 et seq. within ten (10) years of the

1 date of this Judgment.

2 4. Jurisdiction

3 4.1 The Department and PWI agree that the Superior Court for the County of San Mateo  
4 has subject matter jurisdiction over the matters alleged in the Complaint and personal jurisdiction  
5 over the parties to this Judgment.

6 5. Settlement of Disputed Claims

7 5.1 The Department and PWI enter into this Judgment pursuant to a compromise and  
8 settlement of disputed claims for the purpose of avoiding prolonged and complicated litigation  
9 and furthering the public interest.

10 6. Compliance Schedule

11 6.1 No later than thirty (30) days after the date of entry of this Judgment, PWI shall  
12 surrender all of its Identification Numbers no longer in use and provide evidence of such  
13 surrender to the Department.

14 6.2 PWI certifies that as of June, 2005 it has ceased doing business in California. In the  
15 event that PWI begins at any time to do business in California, it shall do all of the following:

- 16 a. PWI shall not store hazardous waste on any site from which it operates.
- 17 b. PWI shall ensure that all waste that is taken from its job sites to landfills for  
18 disposal is properly manifested with a correct identification number.
- 19 c. PWI shall comply with the requirements of Health and Safety Code section 25163  
20 by only transporting hazardous waste when it holds a current and valid transporter registration  
21 issued by the Department, including all insurance required for such registration.
- 22 d. PWI shall accurately date the receipt of hazardous waste on all hazardous waste  
23 manifests.
- 24 e. PWI shall accurately complete all necessary information on all hazardous waste  
25 manifests, including appropriate EPA identification numbers.

26 6.3 Submittals: Except as otherwise noted, all submittals from PWI pursuant to this  
27 Judgment shall be sent to:  
28

1 Susan J. Laney  
2 Senior Hazardous Substances Scientist  
3 Department of Toxic Substances Control  
4 Statewide Compliance Division  
5 8800 Cal Center Drive  
6 Sacramento, CA 95826

7 6.4 Communications: All approvals and decisions of the Department made regarding such  
8 submittals and notifications shall be communicated to PWI in writing by a Branch Chief,  
9 Department of Toxic Substances Control, or her/her designee. No informal advice, guidance,  
10 suggestions, or comments by the Department regarding reports, plans, specifications, schedules,  
11 or any other writings by Respondent shall be construed to relieve PWI of its obligation to obtain  
12 such formal approvals as may be required.

13 6.5 Department Review and Approval: If the Department determines that any report, plan,  
14 schedule, or other document submitted for approval pursuant to this Judgment fails to comply  
15 with or satisfy the Judgment or fails to protect public health or safety or the environment, the  
16 Department may return the document to PWI with recommended changes and a date by which  
17 PWI must submit to the Department a revised document incorporating the recommended  
18 changes.

19 6.6 Liability: Nothing in this Judgment shall constitute or be construed as a satisfaction or  
20 release from liability for any conditions or claims arising as a result of past, current, or future  
21 operations of PWI, except as provided in this Judgment. Notwithstanding compliance with the  
22 terms of this Judgment, PWI may be required to take further actions as are necessary to protect  
23 public health or welfare of the environment.

## 24 7. Penalties for Noncompliance

25 7.1 Any violation by PWI of the terms of this Judgment, including without limitation,  
26 failure to comply with the provisions of paragraph 6 above shall subject PWI to costs, penalties  
27 and/or other remedies as provided by Health & Safety Code section 25188 and other applicable  
28 provisions of law.

## 8. Settlement Amount - Penalty and Administrative Costs

8.1 PWI shall pay DTSC a total of \$72,732 in penalty and administrative costs as set forth  
below.

1 8.2 Judgment shall be entered against PWI and in favor of the Department in the amount of  
2 \$62,732, which is a penalty pursuant to Health & Safety Code section 25189. Interest on this  
3 payment shall accrue at the rate of ten percent (10%) per annum from the date of entry of the  
4 judgment until paid.

5 8.3 In addition to the penalty set out in paragraph 8.2 above, within ten (10) days of the  
6 notice of entry of Judgment by the Court, PWI shall pay \$10,000 to DTSC as administrative  
7 costs. Payment shall be made by a cashiers check or by a check from PWI's counsel's trust  
8 account made out to DTSC. The payment shall bear on its face the docket number of this  
9 proceeding, 461975, and shall be mailed to:

10 Department of Toxic Substances Control  
11 Accounting Office  
12 1001 I St., 23<sup>rd</sup> Floor  
13 P.O. Box 806  
14 Sacramento, CA 95812

15 Photocopies of the check shall be sent to:

16 Susan J. Laney  
17 Senior Hazardous Substances Scientist  
18 Department of Toxic Substances Control  
19 Statewide Compliance Division  
20 8800 Cal Center Drive  
21 Sacramento, CA 95826

22 8.4 Payment of the \$10,000 administrative cost payment required in paragraph 8.3 above  
23 shall not be considered complete until the passage of 91 days after the date of deposit by DTSC  
24 of the above sum, without any voluntary or involuntary bankruptcy having been commenced by  
25 PWI.

26 8.5 Each party to this Judgment shall bear the attorneys' fees and other costs of litigation  
27 it has incurred in connection with this Complaint and Judgment.

28 9. Matters Covered by this Judgment

9.1 This Judgment settles all violations alleged in the Complaint and in the July 1, 2004  
Investigation Report issued by the Department in this matter, and any award of attorneys fees to  
DTSC by the Court, conditioned on all of the following: complete performance by PWI of its  
obligations under this Judgment, payment by PWI of the \$10,000 in administrative costs as set



1 out in paragraph 8.3 above, and the passage of 91 days from the date of deposit by DTSC of  
2 PWI's \$10,000 payment required under paragraph 8.3 above, without any voluntary or  
3 involuntary bankruptcy having been commenced by PWI. In the event that any of the conditions  
4 are not satisfied, DTSC may reopen this litigation and proceed against PWI or any other liable  
5 parties. The parties further agree that any applicable statute of limitations shall be tolled until  
6 such time as PWI has completed its performance under this Judgment, including the passage of  
7 91 days from the date of deposit by DTSC of PWI's \$10,000 payment required under paragraph  
8 8.3 above.

9 9.2 In the event that DTSC reopens the litigation pursuant to paragraph 9.1 above, PWI  
10 waives its right to assert any defense or argument to the full amount of the penalty sought in the  
11 complaint based upon any assertion that the penalty amount is excessive in light of the financial  
12 status of the corporation, or that the corporation lacks the funds to pay the full penalty sought.

13 9.3 DTSC agrees that, if PWI complies with all of the conditions set out above, DTSC will  
14 not pursue any other party or individual affiliated with PWI for any amount set out in this  
15 Judgment.

16 10. Matters Not Covered by the Judgment

17 10.1 Except as expressly provided in this Judgment, nothing in this Judgment is  
18 intended, nor shall it be construed, to preclude the Department from exercising its authority  
19 under any law, statute or regulation. This Judgment does not settle, conclude, or affect any  
20 claim which may be made by the Department against PWI or any other defendant other than  
21 those specified in paragraph 2.1 above.

22 10.2 Except as expressly provided in this Judgment, nothing in this Judgment is  
23 intended nor shall it be construed to preclude any agency, department, board or entity of the State  
24 of California from exercising its authority under any law, statute, or regulation.

25 11. Application of Judgment

26 11.1 This Judgment shall apply to and be binding upon the Department and PWI, and  
27 their directors, officers, employees, agents, successors and assigns.

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~~PRECISION WORKS, INC.~~

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1 Dated: 11/14/07

DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL

By: Original signed by Susan J. Laney  
Susan J. Laney  
Senior Hazardous Substances Scientist  
Statewide Compliance Division

6 APPROVED AS TO FORM

7 Dated: 11/15/07  
8 California

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Attorney General of the State of

THEODORA BERGER  
Senior Assistant Attorney General  
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11 General

SUSAN S. FIERING,  
Deputy Attorney General

By: Original signed by Susan S. Fiering

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Attorneys for People of the State of  
California, ex rel. Maureen F.  
Gorsen, Director, Department of  
Toxic Substances Control

17 / /  
18 Dated: 11/09/07

GORDON & REES

By: Original signed by Jason Meyer  
JASON MEYER, Esq.  
Attorneys for defendant Precision  
Works, Inc.